

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
MAR 18 2025
CLERK'S OFFICE
DETROIT

DERRICK LEE CARDLELL-SMITH,

Plaintiff,

Vs

SEAN COMBS, a/k/a/ P. Diddy,

Defendant,

Case No 24-12647

Hon. Judith E. Levy
United States District Judge

**MOTION TO VACATE ORDER OF DISMISSAL WITH PREJUDICE
UNDER FEDERAL RULES OF CIVIL PROCEDURE 60(2)(3)(4)
BASED UPON FRAUDULENT CONCEALMENT CONDUCTED BY THE DEFENDANTS STAFF
AND EMPLOYEES AS VERIFIED IN THE SUPPORTING AFFIDAVITS
OF DEFENDANT SEAN COMBS EMPLOYEES ATTESTING TO FRAUDULENT ACTS**

Now comes the Plaintiff, Derrick Lee Cardello-Smith, under FRCP 60 (b)(2)(3)(4) and moves this Court to enter an order to VACATE THE ORDER OF DISMISSAL WITHOUT PREJUDICE and Allow this matter to Proceed to Jury Trial and Grant Judgement in Favor of the Plaintiff where there Plaintiff can prove the Defendants Committed Fraud upon this Court, and the Plaintiffs was given Newly Discovered Evidence that was not available at any time during these proceedings, requiring full reversal of this Courts Decisions entered on the record and Prior to the Filing of the Appeal that this Plaintiff is clearly taking to the US Court of Appeals for the Sixth Circuit.

1. Court has has Fraud Committed upon it by the defendants, requiring relief from judgement under rule 60 because the judgment if void and the evidence could not have been reasonably discovered through due diligence by this Plaintiff other then the time it was presented to the Plaintiff, as follows:

1. Detroit Police Officer Nicole Rabior has Authored and Notiarized an Affidavit stating that She worked for Sean Combs, and knew about the Defendants Rape of this Plaintiff and the Forcing of This Plaintiff to be placed Placed in prison to cover up his criminal activity (See Attached Affidvait of Nicole Rabior.

2. Andrea Bommarito, Admits to working for Sean Combs, to frame and lie about Kidnapping and rape Charges against this Plaintiff, as proven by her Affidavit (See Attached.)

3. The Affidavit of Suzette Samuels, Assistant Wayne County Prosecutor has admitted to "Working to Cover up the Rape of this Plaintiff by Defendant Sean Combs, and Framed This Plaintiff-See Affidavit of Suzette Samuels #6).

4. Plaintiff has since been provided with New Proof of Fraudulent Concealment Conducted by the Defendant through the Detroit Police Department, Wayne County Prosecutors Office and Most Assuredly, the Affidavits of the Assistant Wayne County Prosecutor Suzette Samuels verifying her role in the Fraudulent Concealment, requiring the Court Waive the Statute of Limitations.

5. Plaintiffs Submits Affidavits verifying that the Defendant worked and ordered her and her associates to Conceal the Evidence of the Crime being committed against this Plaintiff pertaining to the Sexual Assault of the Plaintiff by the Defendant and even more horrific actions done to conceal the truth.

7. Plaintiff will also be submitting a Rule 60b Motion through this filing for Full Decision by the Trial Court based on the evidence and factors contained within it in the interest of the District Court fully deciding all the factual motions and evidence that this Plaintiff is presenting prior to the Court of Appeals Obtaining Full Jurisdiction over the Case.

As such, plaintiff requests that this Court and the Office of the Clerk Begin the Appeal Process in this Matter as allowed by the Federal Rules of Appellate Procedure

7 These Affidavits are the Plaintiffs Offers of Proof that Support this Plaintiffs claims that the Affiants have all worked for and with Defendant and worked for Defendant Sean Combs to Cover up the Sexual Assault of this Plaintiff by the Defendant in 1997 and have come forward to state that they have in fact done their actions and have bravely come to the front to state what they have done and why theyu have done it, and it was all to Cover up the Sexual Assault Committed upon this Plaintiff by the Defendant.

Plaintiff states that these actions are in fact acts committed by the Defendant and were not part of the Defendants Motion to Dismiss because it would have destroyed their case and their claims that their client did not rape this plaintiff, and in fact, it supports the Plaintiffs claims of Sexual Assault by the defendant and it verifies clearly that this Plaintiff has told the truth and will always tell the truth and that the claims raised by the Plaintiff have always been true and are true and accurate and real.

Plaintiff therefore asks that this Court grant Relief from Judgment of the Order Granting the Defendants Motion to Dismiss and Grant any to resolve this matter prior to the Plaintiff going to the US Court of Appeals, as all motions must be resolved before the Court of Appeals can have full reviewing authority.

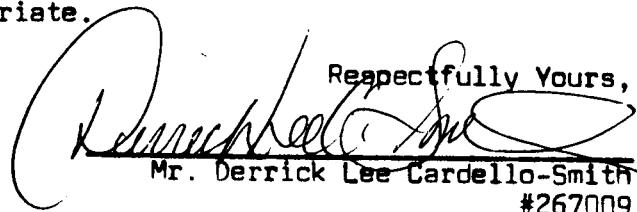
RELIEF SOUGHT

Wherefore, Plaintiff prays this Court will enter an order to Grant the Motion to vacate the Courts order granting the Motion to Dismiss and Allow these matters to be entered into the record and Grant full relief sought in this case and entry of judgment in favor of the Plaintiff, and any further

relief it deems necessary and appropriate.

March 13, 2025

Respectfully Yours,



Mr. Derrick Lee Cardello-Smith
#267009

Plaintiff in Pro Per
Ionia Bellamy Creek Correctional Facility
1727 W. Bluewater Highway
1727 W. Bluewater Highway
Ionia, MI 48846

AFFIDAVIT

State of Michigan)
)ss
 County of Wayne)

My name is Nicole Rabior, I am the Officer who authored the Police Report in the City of Detroit on January 13, 2008 against Derrick Lee Cardello-Smith Current Prisoner with the Michigan Department of Corrections obtained through a Conviction that was a result of my Investigator's Report and I state the following information and facts herein are true, accurate and real and I have been deposed do swear and say:

1. The Police Report I submitted against Derrick Lee Cardello-Smith for Kidnapping and Sexual Assault of Tina Bommarito is False.

2. The Police Report I submitted against Derrick Lee Cardello-Smith for Kidnapping and Sexual Assault of Andrea Bommarito is False.

3. I was ordered to make the False Police Report against Mr. Cardello-Smith by the Persons of Sean John Combs (P. Diddy), Kym L. Worthy, Wayne County Prosecutor, Suzette Samuels, Assistant Wayne County Prosecutor, Jose Ortiz, Detective, Detroit Police Department.

4. I was also Paid a Total of \$132,000.00 Cash by Sean John Combs in to Issue the False Police Report of Kidnapping and Sexual Assault against the Person of Derrick Lee Cardello-Smith, #267009.

5. My Families Lives and my Life had been threatened by this Man and the only way to save them was to go through with the Police Report I filed in this case and even though I knew it was a betrayal of my badge and my oath as a police officer, I followed through with these actions as that I had no other choice.

6. My Commanding Officer on the Noth-Eastern District 5 had me go through with this action as I have done in many many other cases before and as I will also do and have to do continuously.

7. Derrick Cardello-Smith never Kidnapped anyone nor did he ever Sexually Assault anyone and he was the victim that evening.

8. The Arrest warrant was paid for by me and others directly to the Magistrate Judge of the 36th District Court in and he was paid a total of \$5,000.00 for signing the warrant as he has been in many many cases and as he works for Sean Combs, I was connected to him and forced to pay him and I paid him the money for these warrants that I knew were false and he knew were false and especially in Derrick's case, all charges were false.

9. I was present when Patricia Penman, Detective with Wayne County and Dearborn Police Department paid Mr. Vincent Smothers (Contract Killer and Hitman) Money to Kill Mr. Derrick Lee Cardello-Smith and when Mr. Vincent Smothers took the money to Kill David Cobbs Wife Rose Cobb the Day after Christmas, 2007.

10. I was present when Patricia Penman Paid Carli Carpenter, \$4,500.00 to Place False Rape Charges on Derrick Lee Cardello-Smith.

11. I lied under Oath to the Magistrate of the 36th District Court while present with Sgt. Ortiz to obtain the Arrest Warrent for Derrick Lee Cardello-Smith and I violated his Due Process Rights that he is afforded by the Constitution of the State of Michigan.

12. I also lied under Oath in the Wayne County Circuit Court in the Criminal Case of People v. Derrick Lee Cardello-Smith Case # 2008-008639-01-FC.

I make this affidavit freely, voluntarily and with full knowledge that I will have to testify to these facts and I will testify to them in a State or Federal Court, Civil or Criminal, Because my actions while working as a Police Officer have resulted in an innocent me being held illegally, and that man is Derrick Lee Cardello-Smith #267009.

/s/ Affiant- Nicole Rabior

Sworn to and subscribed before me, this the 5TH

of March 2025

Marcus Ashford
 Notary Public

Wayne

County, Michigan

Marcus Ashford
 Notary Public-State of Michigan
 County of Wayne
 My Commission Expires June 8, 2029.
 Acting in the County of Wayne

Mr. Derrick Lee Cardello-Smith
#267009
Ionia Bellamy Creek Correctional Facility
1727 W. Bluewater Highway
Ionia, MI 48846

March 13, 2025

Office of the Clerk
United States District Court
Theodore Levin US Courthouse
231 W. Lafayette Blvd
Detroit, MI 48226

Re: Derrick Lee Cardello-Smith vs. Sean Combs

Case No 24-12647

Dear Clerk:

Enclosed for filing in the above cause the following documents:

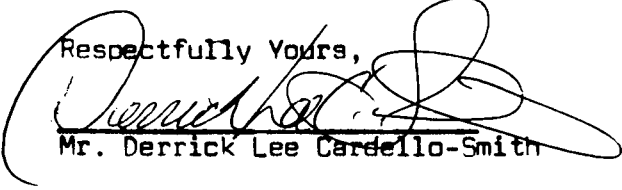
1. PLAINTIFFS RULE 60b MOTION BASEDON FRAUDULENT CONCEALMENT BY DEFENDANT AND HIS ASSOCIATES

3 OFFERS OF PROOF--AFFIDAVITS OF ANDREA ROMMARITO, SUZETTE SAMUELS AND NICOLE RABIOR, AND TRANSFER ORDER ORDER OF THE MDOC

PROOF OF SERVICE

Thank you for your assistance in this matter.

Respectfully Yours,

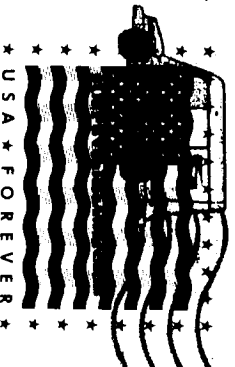


Mr. Derrick Lee Cardello-Smith

NAME: Mr Derrick Lee Cardello-Smith
Number: #267009
Address: Tonia Bellamy Creek Correctional Facility
Address: 1727 W. Bluewater Highway
Tonia, MI 48046

mailed on 3-11-25

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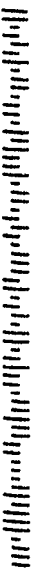


Office of the Clerk
United States District Court
Case Processing Section-Room 564
Theodore Levin US Courthouse
231 W. Lafayette Blvd
Detroit, MI 48226

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